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July 28, 2023

RE: Madison FOIA request, Control Number DOI-BIA-2021-000319

Supervisor Walker,

I hope this letter finds you well. On October 20, 2020, the Bureau of Indian Affairs, Alaska Region received a Freedom of Information Act (FOIA) request from our firm on behalf of Richard and Guy Madison. On December 31, 2020, the Bureau responded and informed us that the request was delayed because the records requested were likely located in the American Indian Records Repository, administered by the National Archives and Records Administration, and the Repository was closed due to the COVID-19 pandemic. The letter closes with the assurance that “[a]s soon as AIRR opens again, this request will be processed.”

On September 18, 2022, President Biden publicly declared the COVID-19 pandemic over. Our expectation is that AIRR has been open for roughly six months or more. On February 10, 2023, I contacted you via email to check on the status of the FOIA request. On February 13, 2023, you responded to tell us that “[i]t is our understanding that Archives is working on requests in the order they are received—from the beginning of their closure. Once the file(s) are received, they will be routed to the requestor.”

We have not received a communication from you since the February 13, 2023 email. On April 12, 2023, I sent you a letter requesting a firm deadline by which the records will be provided. More than three months have passed, and we have not received a response to that letter.

I write to you to follow up and request that you set a firm deadline by which the records will be provided. While the request appears to have been referred to NARA, BIA retains obligations as the responding agency under the FOIA. The FOIA provides that each agency “shall make [its disclosable] records promptly available” upon request. *Oglesby v. United States Dep’t of the Army*, 920 F.2d 57, 70 (D.C. Cir. 1990).

The Madisons’ preference is to work collaboratively with BIA to obtain the requested

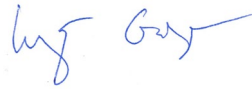
Sarah Walker

July 28, 2023

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documents. However, if there is further lack of response, the Madisons may pursue a judicial remedy under the FOIA and the Administrative Procedure Act.

Sincerely,

A handwritten signature in blue ink, appearing to read "Wyatt Golding". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Wyatt Golding